



## Voluntary Remediation Program

Indiana Department of Environmental Management

The Voluntary Remediation Program (VRP) was established in 1993 in response to the growing need for the Indiana Department of Environmental Management's (IDEM) review and oversight of voluntary investigations and remediation actions, primarily involving property transactions. In doing so, Indiana was one of the first states to address, through statute, the liability issues associated with buying, selling, or developing property contaminated by petroleum or hazardous substances. The requirements for participation in VRP are established by the Indiana Code 13-25-5. Guidance documents have been developed to assist in the implementation of those requirements.

The VRP provides a process for property owners, operators or potential purchasers to voluntarily enter into an agreement with IDEM to remediate contaminated property. When the remediation is successfully completed, IDEM will issue a Certificate of Completion and the Governor's office will issue a Covenant Not To Sue to the VRP applicant for the remediated property. These documents provide assurance that the remediated areas, targeted media and contaminants will not become the subject of a future IDEM enforcement action. In addition, a Memorandum of Agreement with the U.S. EPA provides assurance that the U.S. EPA will not pursue an enforcement action if the site was addressed in the VRP.

Implicit in the voluntary nature of the VRP is the recognition that program applicants have a choice to participate or not to participate. Thus, a program participant can terminate their project at any point with written notification to the appropriate VRP project manager. The flexibility afforded to program participants to achieve protective cleanup goals and the voluntary nature of the VRP, benefits property owners, real estate purchasers, lending institutions, and property developers. At the same time, program participation benefits Indiana's environment and raises public awareness by the identification and remediation of contaminated property that otherwise would be left unaddressed.



Program participants utilize the VRP for different reasons, but the goal for all participants is to reduce liability for property contaminated by petroleum or hazardous substances. Participants reduce their liability by completing the program and receiving a Certificate of Completion and Covenant Not To Sue. The program allows Participants a wide degree of flexibility. Participants are not required to remediate all contaminated source areas on their property; they may exclude media and constituents based on technical justification and may, for the most part, set their own timetable for completion. Thus, the VRP may be used to facilitate transfers of property, reduce the threat of a government enforcement action, increase the value of land, and provide a means for parties to address contamination that exists on a property.

# Eligibility

Any property owner or operator, prospective property purchaser, or third party who has established property control and/or access is potentially eligible to participate in the Voluntary Remediation Program. However, program participation may be denied if one or the following conditions exist:

- A state or federal enforcement action concerning the proposed cleanup is pending;
- Federal grant compels IDEM to take enforcement action;
- Conditions at the site are considered to be an imminent and substantial threat to human health or the environment; or
- Application form is not complete.

Incomplete applications can be resubmitted after IDEM evaluates the application and provides the applicant with a list of information needed to make the application complete. Resubmitted applications do not require an additional application fee.

Those parties that have already completed their remediation efforts are also potentially eligible for the program provided that the previously listed rejection criteria do not apply. Program participants must submit documentation that the cleanup performed satisfies VRP's reporting requirements. If a site enters the VRP after remediation is complete or after a site characterization suggests no further action is required, IDEM will still require the collection of confirmation samples as an independent verification that site conditions adhere to appropriate cleanup standards. In this case, the intent of confirmation sampling is not to re-characterize the site, but to gather a limited number of samples to confirm the previously submitted data.



# Project Completion

When the remediation is completed, VRP program participants must submit a Remediation Completion Report. The Completion Report contains results of sampling to confirm that cleanup criteria have been met as well as other information necessary to demonstrate that the Remediation Work Plan has been successfully completed. It is the policy of the VRP to require the collection of confirmation samples for closure at all sites. The VRP will split the confirmation samples and submit them to a laboratory for independent verification.

If program participants enter the VRP before the nature and extent of contamination has been determined, participants may request that IDEM split samples with them during site investigation activities if they feel that contamination levels at the site will not exceed cleanup levels. If active remediation is required at the site, confirmation samples will be collected following the remedial process to confirm adherence to VRP cleanup criteria.

Program participants may enter the VRP after a remediation is complete or after a site characterization suggests no further action is required, IDEM will still require the collection of a limited number of confirmation samples. In this case, the intent of confirmation sampling is not to require a re-characterization of the site, but rather to confirm previously submitted data.



Once the Remediation Completion Report has been approved, and payments to IDEM for oversight costs have been received, the IDEM project manager will prepare a Certificate of Completion for the site. Some VRP projects may require land use restrictions both on and off-site. At a minimum, a site that utilizes nonresidential cleanup objectives will be required to restrict future land use of the property to nonresidential purposes. Other land use restrictions may include limiting access to contaminated groundwater or maintenance of an impervious cap at the site. While the Remediation Work Plan need only indicate that such land use restrictions will be placed on the affected property, evidence that the restriction has been recorded on the property deed (in the form of an affidavit) must be submitted before the Covenant Not To Sue can be issued. Once proof of the recorded Certificate of Completion has been received by IDEM, the Covenant Not To Sue will be prepared and forwarded to the Governor's Office for signatures.

# REMEDIATION WORK PLAN

The Remediation Work Plan (RWP) is a document required by statute that must specify remediation objectives for the site. Cleanup criteria for sites in the Voluntary Remediation Program consist of performance and quantitative standards. The performance standards apply to all remediations. Quantitative standards are based on a tiered approach which includes:

- background levels of hazardous substances and any petroleum that occur naturally on the site;
- a prescriptive default evaluation where contaminant levels are compared to default closure table levels;
- site-specific risk assessment (non-default)

The RWP must include a Site Safety Plan, Quality Assurance Project Plan, Baseline Ecological Assessment, and Community Relations Plan.

## PUBLIC PARTICIPATION

Public involvement is an essential component of the VRP. The Remediation Work Plan is subject to a thirty (30) day public notice and comment period. During the public notice period, IDEM will place a copy of the Remediation Work Plan in a local repository and invite interested parties to comment. IDEM may also hold a public hearing if at least one request is received during the public comment period. Additional public participation may be required depending on the site conditions and affected parties.



## Application

The first step in the voluntary remediation process is to complete and submit an original application directly to the VRP and a copy of the application with an application fee to the Cashier's Office. The VRP cannot process the application until the fee is received. However, political subdivisions are not required to submit a fee. This fee is held until project completion or withdraw/termination. At this time, the application fee can either be refunded in full or applied toward outstanding payments. The unexpended portion of the application fee will be refunded. The application is reviewed and either accepted-based or rejected-based on statutory requirements within thirty (30) days.

## Voluntary Remediation Agreement

After the application has been approved and the site is accepted into the VRP, the site is assigned to a project manager. The project manager will send the applicant a site-specific Voluntary Remediation Agreement (VRA) and cost estimate. The estimate is an approximate cost based upon the application information. The Voluntary Remediation Agreement is a standard document that identifies the obligations of both the applicant and IDEM. Parties seeking participation in the VRP are expected to cooperate and adhere to certain standards in the investigation of the extent and nature of contamination, the evaluation and recommendation of remedial actions and the level of cleanup attained. In addition, the applicant agrees to reimburse IDEM for the costs that it incurs in reviewing work plans and reports, and for oversight of the field activities. Once the Agreement is signed, the applicant prepares and submits a series of work plans and reports for IDEM's review. These include:

- Remediation Work Plan
- Remediation Completion Report

The review time for IDEM is sixty (60) days for each of the reports unless special circumstances exist for a specific site and additional time is required. If the review will be over sixty (60) days, a letter stating the extension will be submitted to the applicant.

## Phase II Investigation Report

A Phase II Investigation Report is an optional document, however, if this report is not submitted the information must be included in the Remediation Work Plan. The source of contamination and its nature and extent must be determined for each site. Site history, location, surrounding properties, water well survey, hydrogeologic assessment, baseline ecological assessment, and sampling documentation are some of the topics that must be addressed. A comprehensive outline is provided in the guidance document.





## Daleville 76 Travel Plaza

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The Daleville Travel Plaza is located in Delaware County. The facility has been a truck stop and travel plaza since the 1970s. The site contained five gasoline and diesel tanks ranging in size from 5,000 to 20,000 gallons. During a replacement of the tanks, a rainstorm caused two tanks to float, roll and leak. Most of the spilled product was recovered. A soil vapor extraction system was installed in the tank cavity area to remove any additional petroleum hydrocarbons left after the initial clean up. A Phase II investigation was conducted on the site revealing elevated total petroleum hydrocarbon concentrations near the diesel pump island. In addition, the groundwater investigation revealed that groundwater was impacted and has levels above the VRP Tier II Non-residential cleanup goals. The investigation also revealed soil impact, however, it was found to be below the Tier II Non-residential cleanup goals. Since the groundwater impact was not fully delineated, an additional groundwater investigation was performed by collecting groundwater samples with push-probe sample collection techniques. Results of screening indicated that the groundwater impact was limited to the diesel pump islands and not migrating off-site.



This site removed approximately 3,400 cubic yards of potentially impacted backfill material and native soil in the areas surrounding the UST cavity, pipe runs, and pump islands. This soil is being remediated in two land treatment areas located immediately adjacent to the tank farm. The site also has a groundwater remediation system in place. The system consists of a liquid ring blower, an air stripper, oil/water separator, and transfer pump. A telemetry system has been installed for monitoring purposes with monitor alarms, vacuum

transducer, flow meter and flow transducers. The system discharges treated water to the on-site storm water system.

This site was one of the first in the program to utilize the Excess Liability Fund (ELF) reimbursement for Underground Storage Tank remediation. ELF is available only for the remediation of underground storage tank sites and eligibility requirements must be met.

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## Beveridge Paper Company

Beveridge Paper Company was located in downtown Indianapolis. Beveridge Paper closed its doors in May 2000 after operating since the 1880s. The company was involved in the manufacturing of paper products, mainly paperboard from recycled materials. Water from the White River was used to mix waste paper into pulp, which was processed to form paperboard.

While conducting a subsurface investigation of the property, low levels of semi-organic volatile organic compounds were found in the subsurface soils and groundwater. The chemicals found were below the VRP's standard cleanup goals for soils and groundwater at industrial properties. Since the levels of constituents fell below the cleanup standards, no active remediation was necessary to correct the problem.



In addition, the Beveridge Paper Company agreed to establish institutional controls to prevent contact with groundwater and ensure the property is not used for residential development. This was accomplished by using an exposure prevention remedy. Specifically, a deed restriction on the use of groundwater and property are recorded on the deed of the property.

The building has been demolished and the property will be purchased by the State of Indiana to become part of the White River State Park. This will complete all property acquisitions for the Park and an amphitheater is planned for the former Beveridge property.

## Elkhart Former Manufactured Gas Plant

Northern Indiana Public Service Company (NIPSCO) has several sites in the VRP for former Manufactured Gas Plants (MGPs) located throughout northern and central Indiana in the VRP. MGPs were in operation from the early 1800s to 1960 for the production of gas from coal, coke, and oil. The gas was used for the lighting and heating of communities. These sites were located in each town to supply local energy needs to industry and residences. One of these facilities was located in downtown Elkhart along the Elkhart River. Since the decommissioning of the Elkhart MGP, the property was divided and developed into a hotel, roadway, and part of the property was maintained as NIPSCO property. The principle contamination at MGP sites is residue of coal, which is called coal tar. This tar residue contains concentrations of polyaromatic hydrocarbons, benzene, toluene, ethylbenzene, xylene, metals, and cyanide.

The Elkhart site entered the VRP in 1995 for the remediation of surface soil, subsurface soil, sediment and groundwater for constituents of coal tar. The initial subsurface site investigation was conducted in 1993 with additional delineation in 1994. Studies discovered contamination was present, however with the location of the hotel constructed over the production area of the MGP, it was impossible to determine the amount of contamination in that area. The production areas are usually the highest levels of contamination of coal tars.

In 1997, NIPSCO removed and disposed of sediment from the Elkhart River that was impacted with coal tar. Approximately 1,200 tons of sediment and debris were removed and disposed of in a landfill. In the summer of 1999, after the City of Elkhart demolished the hotel, the production area contamination was also removed and disposed of in a landfill. NIPSCO dewatered the area affected by the contamination, installed sheet piling around the perimeter of the contaminated area, removed impacted soil and backfilled the excavation with clean material. A total of 28,164 tons of contaminated soil was removed and disposed of in a certified landfill and a total of 604,000 gallons of groundwater was treated and discharged to the City of Elkhart's municipal sewer system. The site has been restored for further re-development in downtown Elkhart.





# Superfund Memorandum of Agreement

When a site in Indiana has been investigated or remediated in accordance with the practices and procedures of the VRP, and IDEM has issued a Certificate of Completion and Covenant Not To Sue for the site, EPA Region V will not plan or anticipate any federal action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA/Superfund) unless, the site poses an imminent and substantial threat to human health or the environment. In all cases, the Region V decision will be based strictly on the information available at the time of IDEM determination. The Memorandum of Agreement does not apply to sites listed on the NPL or sites currently subject to orders or enforcement actions under Superfund law.



Voluntary Remediation Program  
Department of Environmental  
The Remediation Work Plan  
of cleanup and provides the time  
Criteria for sites within the  
Remediation Program Indiana  
Environmental Management The  
an Remediation Program Indiana  
provides Voluntary Remediation  
Department of Environmental  
Remediation Program Indiana  
Plan in detail, Criteria  
the Voluntary Remediation Program

Additional information

can be obtained

on the IDEM-VRP

Web Page:

[http://](http://www.in.gov/idem/land/VRP)

[www.in.gov/idem/land/VRP](http://www.in.gov/idem/land/VRP)

or call any VRP staff at

**1.800.451.6027**

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